



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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DIVISION OF ENFORCEMENT

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July 23, 2014

VIA ECF AND FACSIMILE

Hon. Naomi Reice Buchwald
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *SEC v. China North East Petroleum Holdings Ltd., et al.*
Case No. 12-CV-8696 (NRB)

Dear Judge Buchwald,

I am writing on behalf of the United States Securities and Exchange Commission (the "SEC") to request a pre-motion conference pursuant to Rule 2.D.1 of the Court's Individual Rules of Practice. The SEC seeks a pre-motion conference with respect to two proposed non-dispositive motions intended to further the SEC's ongoing efforts to serve Defendant Ju Guizhi (a/k/a Guizhi Ju) ("Ju"). Specifically, the SEC proposes to move the Court (i) to issue additional summonses to Ju at three newly discovered addresses and (ii) for limited relief from the discovery stay in this matter to seek information from Defendants concerning Ju's current whereabouts.

All Defendants in this action have been served, other than Ju. Ju is believed to be residing in the People's Republic of China ("PRC"), is not represented in this matter to the SEC's knowledge, and her exact whereabouts are unknown to the SEC at this time. As set forth in the SEC's motion for alternative service (Dkt. No. 58), the SEC has attempted to serve Ju by a number of means, including service under the Hague Convention, and believes that Ju has actual notice of this action.

By Memorandum and Order dated March 27, 2014, the Court denied the SEC's motion for alternative service. Among other things, the Court indicated its belief that the SEC had not sufficiently investigated Ju's whereabouts or engaged the Chinese authorities to assist with service. (Dkt. No. 77 at 39.)

Since March 27, 2014, the SEC has attempted to engage with the Chinese securities authorities to assist in locating and/or serving Ju and has also inquired of the U.S. Department of State regarding any information it may have regarding Ju's whereabouts. To date, the SEC has received no response to these inquiries.

The SEC has, however, located among documents produced to the SEC during its investigation three additional business addresses in the PRC that may be associated with Ju. The SEC therefore intends to move the Court for an order authorizing the Clerk of the Court to issue summonses directed to Ju at each additional address. Upon issuance of the summonses, the SEC will promptly initiate service under the Hague Convention at each address.

In July 2013, the SEC served initial discovery requests on the parties which included, among other things, discovery requests related to Ju's whereabouts. The Court subsequently stayed discovery pending resolution of the parallel and related criminal case against Defendant Chao Jiang.¹ The SEC therefore proposes to move for relief from the discovery stay for the narrow purpose of seeking limited discovery in aid of serving Ju. Specifically, the SEC would seek to serve a single interrogatory and no more than five document requests seeking information regarding Ju's current whereabouts.

Counsel for the SEC has conferred with Defendants' counsel regarding the relief sought. Counsel for Defendant Chao Jiang opposes the requested relief. Remaining counsel will advise as to their respective positions in advance of the pre-motion conference.

Sincerely,

/s/
Alfred A. Day
Assistant Chief Litigation Counsel

cc: Counsel of Record (via ECF)

¹ The criminal case against Defendant Chao Jiang is currently set to be re-tried before a jury in the United States District Court for the District of Columbia in September 2014. Ju's son, Defendant Hongjun Wang, was also indicted, but remains a fugitive. (*See also* Dkt. No. 77 at 7 n.2.)